

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

| | | |
|---------------------------|---|---------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Respondent, |) | |
| |) | |
| v. |) | No. 10 C 4511 |
| |) | (06 CR 174-3) |
| ERNEST MYERS #18545-424, |) | |
| |) | |
| Movant. |) | |

MEMORANDUM ORDER

Instead of simply complying with this Court's September 28, 2010 memorandum order directing the filing of a reply (or instead of simply asking for an extension because the designated October 19 reply date did not give him enough time to do so), Ernest Myers ("Myers") has coupled an extension request with two other filings with the following captions:

1. "Motion for Enlargement of page[s] for Which to Response to the Governments Reply" and
2. "MOTION TO COMPEL THE ATTORNEY[S] FOR THE GOVERNMENT TO COMPLY WITH THE COURT[S] ORIGINAL ORDER TO SHOW CAUSE ordered defense counsel on 5/19/10."

This memorandum order responds briefly to each of Myers' demands.

First, Myers' request for more time is granted--he is allowed until November 18 to file his reply, but that extension is not granted, as Myers would have it, "to obtain newly-discovered evidence in order to support allegations of perjury." Instead Myers is expected to file an appropriate reply directed

to the Answer that had been submitted by government counsel in response to his 28 U.S.C. §2255 motion.

Next, this Court sees no reason that Myers' reply has to approach 40 pages in length. Although he will not be confined to the 15-page limit prescribed by this District Court's LR 7.1 governing briefs and memoranda, it is expected that the length of the reply will be whatever is reasonably needed to address the United States' response.

Finally, this Court rejects Myers' motion that the already-submitted government response be refashioned in affidavit form. It is acceptable in its present form.

A handwritten signature in black ink, reading "Milton I. Shadur". The signature is written in a cursive, flowing style with a large initial "M".

Milton I. Shadur
Senior United States District Judge

Date: October 14, 2010